

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CRIMINAL ACTION NO. 5:23-CR-00036-KDB-SCR

UNITED STATES OF AMERICA,

v.

ALVIN JUAN'WON  
LINEBERGER,

Defendant.

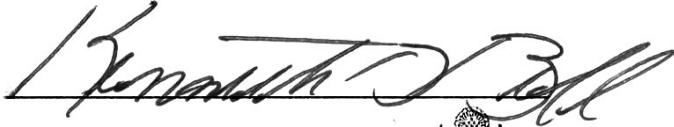
ORDER

**THIS MATTER** is before the Court on the parties' Joint Motion to Amend Indictment, Plea Agreement & Factual Basis (Doc. No. 28). Generally, an "indictment may not be amended except by resubmission to the grand jury, unless the change is merely a matter of form." *United States v. Promise*, 255 F.3d 150, 161 (4th Cir. 2001) (quoting *Russell v. United States*, 369 U.S. 749, 770 (1962)). Changes such as "a correction for a typographical error or clerical error" are merely a matter of form. *United States v. Horbuckle*, No. 2:06-cr-15, 2007 WL 1652270, at \*1 (W.D.N.C. June 6, 2007).

The proposed change to the indictment, plea agreement, and factual basis in this case would correct a typographical error. Specifically, Defendant was charged as Alvin Juan'won Lineberger. However, his name is Alvin Juan'won Linebarger. *See* Doc. No. 28. Changing just one letter to correct the misspelling of Defendant's name is merely a matter of form and, thus, the Court will grant the motion and allow the Government to amend the requested documents without necessitating a grand jury.

**SO ORDERED.**

Signed: June 6, 2024

  
Kenneth D. Bell  
United States District Judge

